

**AUCTIONEER BOARD
MADISON, WISCONSIN
MINUTES
JUNE 24, 2002**

PRESENT: Richard Lust, Carl Theorin (by telephone), Marie Skic (by telephone), Larry Finley, David Huebsch and Jay Clarke

EXCUSED: Mark Shain

STAFF PRESENT: Cletus Hansen, William Dusso, and members of the Division of Enforcement

GUESTS: None

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of six members was present. Mr. Lust welcomed Larry Finley, David Huebsch and Jay Clarke. The new members introduced themselves to the other board members. Richard Lust reviewed the duties of Board members and urged the new members to inform the staff when they would like to attend a meeting by telephone conference or when they are unable to attend the meeting in any manner.

AGENDA

MOTION: Carl Theorin moved, seconded by David Huebsch, to adopt the agenda, as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Carl Theorin moved, seconded by Jay Clarke, to elect Richard Lust as Chair of the Board. Motion carried unanimously.

MOTION: Carl Theorin moved, seconded by Jay Clarke, to elect Marie Skic as Vice Chair of the Board. Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Marie Skic, to elect Carl Theorin as Secretary of the Board. Motion carried unanimously.

MINUTES (4/22/02)

MOTION: Carl Theorin moved, seconded by Marie Skic, to amend the minutes by stating that Carl Theorin was present. Motion carried unanimously.

MOTION: Marie Skic moved, seconded by Carl Theorin, to approve the minutes. Motion carried unanimously

ADMINISTRATIVE REPORT

Cletus J. Hansen

- **Roster**

Jay Clark provided a better e-mail address than that which was published: jayclarke@charter.net

- **Meeting Dates for 2002**

Noted

- **To-Do List**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases**

Noted

LEGISLATIVE UPDATE

Clete Hansen advised that there was nothing new to report. He said a new legislature will convene on January 20, 2003, and the Board and the Department will have to decide later in 2002, as to what legislation they will want to have introduced or re-introduced. One possibility is the elimination of the temporary registration.

ADMINISTRATIVE RULES

The Board discussed the final changes that were made to the rule draft before it was sent to the legislative committees. The Board specifically noted the description of the continuing education courses.

Clete Hansen said that the Department has not heard anything from the legislative committees. Therefore, the Board can continue to hope that its recommended changes will be accepted as drafted.

BIDDING BY SELLERS AND AUCTIONEERS

The Board discussed this issue. Bill Dusso referred to his memo of April 9, 2002, which was in the meeting packet. He also distributed a memo, dated June 24, 2002, relating to auctioneers bidding at an absolute auction when notice has been given.

One question that was explored is whether an auctioneer may stop an absolute auction after the first bid is accepted. Bill Dusso will clarify this issue before the next meeting.

Another question was whether the officers of a corporation that is selling goods at an auction may bid at an absolute auction.

There was some concern expressed about mixing rule provisions regarding absolute auctions and auctions with reserve in sub. (2). Perhaps, too, sub (2) (b) should be moved to sub. (1). There was not agreement concerning adding “complete liquidation” to the note following s. RL 120.02.

Bill Dusso will redraft the rule proposal for consideration at the next meeting.

MOTION: Jay Clarke moved, seconded by Carl Theorin, to table action on this proposed rule revision until the meeting of August 26, 2002. Motion carried unanimously.

IDENTIFICATION OF REGULATORY ISSUES THE BOARD WILL ADDRESS IN THE FUTURE

The Board identified no issues at this time.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

None

NEW BUSINESS

None

RECESS TO CLOSED SESSION

MOTION: Marie Skic moved, seconded by Jay Clarke, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on case closings, a monitoring case and four proposed administrative warnings. Motion carried unanimously by a roll call vote: Richard Lust - yes; Marie Skic - yes; Carl Theorin - yes; Jay Clarke - yes; David Huebsch - yes; Larry Finley - yes. Motion passed unanimously.

Open Session recessed at 11:20 a.m.

The Board deliberated on proposed case closings, a monitoring report and four proposed administrative warnings.

ADJOURN CLOSED SESSION

MOTION: Marie Skic moved, seconded by Jay Clarke, to adjourn the Closed Session and to reconvene in Open Session at 12:10 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Marie Skic moved, seconded by David Huebsch, to close 01 AUC 028 for P2. Motion carried unanimously.

MOTION: David Huebsch moved, seconded by Marie Skic, to close 02 AUC 003 for P6. Motion carried unanimously.

MOTION: Larry Finley moved, seconded by Marie Skic, to close 98 AUC 007, 98 AUC 008, 00 AUC 007, 01 AUC 00 for P7, as to Azam Khan, and for NV, as to Abid Butt, Anwar Khan and Samia Ahad. Motion carried unanimously.

MOTION: Carl Theorin moved, seconded by Jay Clarke, to close 01 AUC 006 for NV. Motion carried unanimously.

MOTION: Carl Theorin moved, seconded by Larry Finley, to close 01 AUC 014 for NV. Motion carried unanimously.

MONITORING

Marlene Meyer provided a copy of an ad submitted by the attorney of Guarantee Credit Corp.

MOTION: David Huebsch moved, seconded by Marie Skic, to request that the attorney of Guarantee Credit Corp. submit a detailed listing of the 44 items purchased from Lone Star Auctioneers, Inc. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

Paul C. Albrecht (Markesan, WI)

Miller-Tesch Auction Service (Newton, WI)

George J. Miller (Newton, WI)

Charles A. Tesch (Brillion, WI)

MOTION: Marie Skic moved, seconded by Larry Finley, to accept the administrative warnings, relating to Paul C. Albrecht, Miller-Tesch Auction Service, George J. Miller and Charles A. Tesch. Motion carried unanimously.

ADJOURNMENT

MOTION: Carl Theorin moved, seconded by Marie Skic, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 12:18 p.m.